

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA §
VS. § CRIMINAL ACTION NO. 2:15-CR-376-2
JESUS ARAEL HERNANDEZ §

OPINION AND ORDER GRANTING MOTION FOR CONTINUANCE

On June 4, 2015, Defendant Hernandez moved for a continuance of the final pretrial conference and jury trial because the Defendant and counsel had not yet had adequate time to review the discovery and the Defendant had not had adequate time to consider whether he wished to have a trial or plead guilty (D.E. 28).

Under the Speedy Trial Act, a district court may grant a continuance and exclude the resulting delay from the time in which a trial must commence if it makes on-the-record findings that the ends of justice served by granting the continuance outweigh the public's and defendant's interests in a speedy trial. 18 U.S.C. § 3161(h)(7).

Having considered the Defendant's motion, the Court finds that the failure to grant a continuance in this case would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. In addition, the Co-Defendant's case was continued yesterday, and judicial economy favors a joint trial.

Accordingly, the Court finds that the ends of justice are served by granting a continuance in this case and outweigh the best interests of the public and Defendant in a speedy trial.

The Court **GRANTS** the Defendant's motion and **CONTINUES** the final pretrial conference until **Friday, July 10, 2015, at 10:00 a.m.** before undersigned, and schedules the jury selection and trial for **Monday, August 10, 2015, 9:00 a.m.** before Hon. Nelva Gonzales Ramos.

ORDERED this 5th day of June, 2015.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE